

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 21, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-29529 - APPLICANT: SOUTHERN STATES SIGN  
COMPANY - OWNER: BEHROOZ FARIDIAN**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 7, 2009 CITY COUNCIL  
MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to all minimum requirements under LVMC Title 19.14.100 for Off-Premise Signs.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0105-62), Variance (VAR-12684) and Site Development Plan Review (SDR-12683) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. This Special Use Permit shall be reviewed in three years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
5. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
6. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
7. Only one advertising sign is permitted per sign face.

8. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
9. Bird deterrent devices shall be installed on the sign.
10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

11. The proposed sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow a proposed 40-foot high, 10.5-foot by 36-foot Off-Premise Sign (Digital Billboard) on 0.48 acres located at an existing commercial development at 591 North Eastern Avenue.

The subject property is located within the boundaries of the Las Vegas Redevelopment District. The Off-Premise Sign is not harmonious with the surrounding development, and is not compatible with the second goal of the Redevelopment Plan, which is to “achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.” For these reasons, staff recommends denial of the Special Use Permit.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/05	The Board of City Commissioners approved a Rezoning and Site Development Plan Review (Z-0105-62) of this property from R-2 (Two Family Residence) to C-1 (Limited Commercial) for a proposed service station at 591 N. Eastern Avenue.
12/07/05	The City Council approved a Site Development Plan Review (SDR-9372) for a proposed 2,800 square-foot commercial building with drive-through and waiver of the building placement standard at 591 N. Eastern Avenue. The Planning Commission and staff recommended approval.
12/07/05	The City Council approved a Variance (VAR-9581) to allow 20 parking spaces where 23 is the minimum required for a proposed 2,800 square-foot commercial building with drive-through at 591 N. Eastern Avenue. The Planning Commission and staff recommended approval.
06/07/06	The City Council approved a Site Development Plan Review (SDR-12683) for a proposed 2,800 square-foot commercial building with drive-through and waiver of the building placement standard at 591 N. Eastern Avenue. The Planning Commission and staff recommended approval.
06/07/06	The City Council approved a Variance (VAR-12684) to allow 12 parking spaces where 20 is the minimum required for a proposed 2,800 square-foot commercial building with drive-through at 591 N. Eastern Avenue.
09/03/08	Staff approved a Temporary Sign Permit (TSP-29740) for a banner sign for Wireless Toyz. The permit is valid from 09/04/08 to 11/02/08.
10/09/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #37/sg).

<b><i>Related Building Permits/Business Licenses</i></b>	
11/02/06	A building permit (6006751) was issued for a 2800 square-foot shell building and site improvements at 591 N. Eastern Avenue. The permit had a final completion date of 07/06/07.
04/23/07	Business licenses were issued for a Merchandise Broker and Miscellaneous Telephone Sales and Service at 591 N. Eastern Avenue, Suite #150.
05/22/07	A building permit (7001707) was issued for a tenant improvement at 591 N. Eastern Avenue, Suite #150. The permit had a final completion date of 06/26/07.
05/29/07	A building permit (70001763) was issued for wall signs at 591 N. Eastern Avenue, Suite #150. The permit expired on 12/01/07.
06/19/08	A building permit (7002002) was issued for directional signs and wall signs at 591 N. Eastern Avenue, Suite #110. The permit expired on 07/05/08.
06/22/07	A building permit (7002043) was issued for a tenant improvement at 591 N. Eastern Avenue, Suite #110. The permit was completed on 10/25/07.
10/30/07	A business license (R07-792) was issued for a Restaurant with less than 45 seats at 591 N. Eastern Avenue, Suite #110.
<b><i>Pre-Application Meeting</i></b>	
08/11/08	A pre-application meeting was held in which the Special Use Permit requirements and the development standards for Off-Premise signs were discussed.
<b><i>Field Check</i></b>	
09/02/08	A field check of the site was conducted. The site consists of an existing retail center with a drive-through restaurant. It was noted that the chain link fencing around existing environmental remediation equipment in the southeast corner of the site is damaged.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.48

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial and Restaurant with Drive-Through	SC (Service Commercial)	C-1 (Limited Commercial)
North	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
South	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.14.100, the following standards apply:*

<b>Standards</b>	<b>Code Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Location	No off-premise sign may be located within the public right-of-way.	Located at 591 N. Eastern.	Y
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only.	The subject site is zoned C-1 (Limited Commercial).	Y
Area	No off-premise sign shall have a surface area greater than 672 square feet per sign face, except that an embellishment not exceeding five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	The sign is proposed as double-sided, 10.5 feet by 36 feet, or a total area of 378 square feet.	Y
Height	40 Feet above grade	40 Feet	Y
Setback	Off-premise signs shall not be located closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	58 Feet	
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Enclosed cabinet and pole covers painted to match existing buildings.	Y

Other	All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to the ground; no residential uses on site.	Y
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## ANALYSIS

The subject property has an SC (Service Commercial) land use designation, which allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The SC (Service Commercial) category may also allow mixed-use development with a residential component where appropriate. The proposed Off-Premise (Billboard) Sign is consistent with the land use designation.

The subject site is zoned C-1 (Limited Commercial). Development is subject to the standards contained within Title 19.14.100 Off-Premise Signs. Off-Premise (Billboard) Signs are permitted uses within the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

Pursuant to Title 19.14.100, the following minimum separation standards apply to the subject proposal: an Off-Premise Sign may not be located closer than 300 feet to any other off-premise sign; 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways; and no off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in the “U” zoning district or any “R” zoning district. The proposed Off-Premise Sign use is greater than 300 feet from another Off-Premise Sign, greater than 50 feet from an existing intersection, and greater than 300 feet from the nearest residential zoning district; therefore, it will meet all minimum distance separation requirements.

A previous Site Development Plan Review (SDR-12683) was approved for the subject site for a commercial building with a drive-through in June of 2006, along with a companion Variance (VAR-12684) to allow 12 parking spaces where 20 spaces were required, which is a 40% reduction from Title 19.04 requirements. The previous request for a Variance for reduced parking at the site indicates that it is already overbuilt.

The subject property is located within the boundaries of the Las Vegas Redevelopment District. The Off-Premise Sign is not harmonious with the surrounding development, and is not compatible with the second goal of the Redevelopment Plan, which is to “achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.” For these reasons, staff recommends denial of the Special Use Permit.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The subject site and the surrounding properties are all zoned C-1 (Limited Commercial), with a General Plan designation of SC (Service Commercial). The proposed Off-Site Sign is a permitted use in the C-1 (Limited Commercial) zone, with the approval of a Special Use Permit, and is consistent with the SC (Service Commercial) land use designation. The Off-Premise Sign is not harmonious with the surrounding development in that the site is already overbuilt.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the proposed use. It was developed as a commercial center, with a Variance (12684) to allow 12 parking spaces where 20 spaces were required. The request for this Variance indicates that the site is already overbuilt.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site has adequate access via two existing driveways onto Bonanza Road and Eastern Avenue, which are classified as 100-foot Primary Arterials by the Master Plan of Streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use meets all applicable conditions per Title 19.04 and 19.14.100 for Off-Premise Signs.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 11

**SENATE DISTRICT** 10

**NOTICES MAILED** 205 by City Clerk

**APPROVALS** 0

**PROTESTS** 1